



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Modification of Joint Powers Agreement between City of Lodi and the San Joaquin County Council of Governments (COG)

MEETING DATE: April 3, 1991

PREPARED BY: City Manager

RECOMMENDED ACTION: That the City Council adopt Resolution No. 91-66, a resolution entitled "A Resolution of the Lodi City Council Approving the First Modification of Joint Powers Agreement Establishing the San Joaquin County Council of Governments (COG), Thereby Formalizing the City of Lathrop's Membership, and Giving COG Taxing Powers as the San Joaquin Local Transportation Authority."

BACKGROUND INFORMATION: Two actions have occurred in the recent past which necessitates the first modification to the Joint Powers Agreement establishing the San Joaquin County Council of Governments since that agency was formed in 1983. The first is the incorporation of the City of Lathrop in 1989. The second is the passage by the voters in 1990 of Measure K putting in place a 1/2-cent sales tax earmarked for local transportation improvements.

The attached modification (Exhibit A) provides for membership on COG of one representative of the City of Lathrop. It also provides that the new quorum be increased from five members to six; and that the Executive Board now consist of four members instead of three. Finally, the modification provides language to permit COG to coordinate the distribution of Measure K funds as set forth in Measure K.

FUNDING: None required

Respectfully submitted,

Thomas A. Peterson
City Manager

TAP:br
Attachment

CCCOM174

APPROVED: _____

THOMAS A. PETERSON
City Manager

RESOLUTION NO. 91-66

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A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING THE FIRST MODIFICATION OF JOINT POWERS AGREEMENT
ESTABLISHING THE SAN JOAQUIN COUNTY COUNCIL OF GOVERNMENTS (COG),
THEREBY FORMALIZING THE CITY OF LATHROP'S MEMBERSHIP, AND GIVING
COG TAXING POWERS AS THE SAN JOAQUIN LOCAL TRANSPORTATION AUTHORITY

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WHEREAS, the cities of Escalon, Lodi, Manteca, Ripon, Stockton and Tracy and the County of San Joaquin entered into a Joint Powers Agreement on November 1, 1983, establishing the San Joaquin County Council of Governments (COG); and

WHEREAS, the City of Lathrop was incorporated July 1, 1989 and the parties to said Joint Powers Agreement desire to amend Section 4 - MEMBERSHIP - to formalize the City of Lathrop's membership in COG; and

WHEREAS, the County of San Joaquin designated COG as the San Joaquin County Local Transportation Authority and the parties wish to amend the Joint Powers Agreement to give COG taxing powers as the San Joaquin County Local Transportation Authority;

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council hereby approves the First Modification of Joint Powers Agreement establishing the San Joaquin County Council of Governments (Exhibit A), which First Modification shall:

1. Amend Section 4 - MEMBERSHIP, to formalize the City of Lathrop's membership, and
2. Give the San Joaquin County Council of Governments taxing powers as the San Joaquin County Local Transportation Authority.

Dated: April 3, 1991

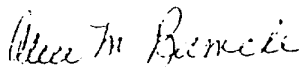
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I hereby certify that Resolution No. 91-66 was passed and adopted by the Lodi City Council in a regular meeting held April 3, 1991 by the following vote:

Ayes: Council Members - Pennino, Pinkerton, Sieglock, Snider and Hinchman (Mayor)

Noes: Council Members - None

Absent: Council Members - None


Alice M. Reimche
City Clerk

91-66

RES9166/TXTA.02J

FIRST MODIFICATION OF JOINT POWERS AGREEMENT ESTABLISHING
THE SAN JOAQUIN COUNTY COUNCIL OF GOVERNMENTS

- - - - -

This First Modification entered into as of the 1st day of March, 1991, by and among the incorporated cities of ESCALON, LATHROP, LODI, MANTECA, RIPON, STOCKTON and TRACY, all municipal corporations, and the COUNTY OF SAN JOAQUIN, a political subdivision of the State of California.

WITNESSETH:

WHEREAS, the cities of Escalon, Lodi, Manteca, Ripon, Stockton and Tracy and the County of San Joaquin entered into a Joint Powers Agreement on November 1, 1983, establishing the SAN JOAQUIN COUNTY COUNCIL OF GOVERNMENTS; and,

WHEREAS, the City of Lathrop was incorporated effective July 1, 1989; and

WHEREAS, the City of Lathrop has been participating as a member of the SAN JOAQUIN COUNTY COUNCIL OF GOVERNMENTS; and,

WHEREAS, the parties desire to formalize the City of Lathrop's membership of the SAN JOAQUIN COUNTY COUNCIL OF GOVERNMENTS; and,

WHEREAS, the County of San Joaquin designated the SAN JOAQUIN COUNTY COUNCIL OF GOVERNMENTS as the San Joaquin County Local Transportation Authority; and,

WHEREAS, the parties hereto wish to amend the Joint Powers Agreement to give the SAN JOAQUIN COUNTY COUNCIL OF GOVERNMENTS taxing powers as the San Joaquin County Local Transportation Authority;

NOW, THEREFORE, IT IS MUTUALLY AGREED to modify the Joint Powers Agreement establishing the SAN JOAQUIN COUNTY COUNCIL OF GOVERNMENTS entered into as of November 1, 1983 as follows:

1. Section 4, MEMBERSHIP, is modified to read as follows:

4. MEMBERSHIP

SAN JOAQUIN COUNTY COG shall be governed by a Board, hereinafter referred to as the COG Board and shall be comprised of:

- (a) One (1) councilperson from each of the cities of Escalon, Lathrop, Lodi, Manteca, Ripon, and Tracy;
- (b) Two (2) councilpersons from the City of Stockton;
- (c) Two (2) members of the Board of Supervisors of the County of San Joaquin; and
- (d) Ex-officio nonvoting members acting in an advisory capacity shall be (1) the District Engineer from the State Department of Transportation, District X; (2) a representative from the Stockton Metropolitan Transit District Board of Directors; and (3) a representative from the Port of Stockton Board of Directors.

Members shall be appointed by the governing body of each party and shall serve at the pleasure of their appointing body or until their respective successors are appointed. Termination of a members' mayor, councilperson, or supervisor status shall constitute automatic termination of that person's membership on the COG Board. The appointing body of a party

may appoint a new member or alternative immediately upon the occurring of any vacancy in that party's representation.

The governing body of each party shall appoint alternate members to the COG Board. During the absence of a regular member from any meeting of the COG Board, the alternate shall be entitled to participate in all respects as a regular member of the COG Board. All members and alternates shall be duly elected representatives of their respective city councils or Board of Supervisors.

A quorum for conducting all matters of business shall be six (6) members. The affirmative vote of at least a majority of the quorum present shall be required for the approval of any matter.

The COG Board shall adopt rules of procedure and shall establish a time and place for regular SAN JOAQUIN COUNTY COG meetings. At any meeting, the COG Board may consider such matters as it deems proper for carrying out the purposes of this Agreement, provided that no item shall be considered except by unanimous consent of the COG Board unless written notice shall have been provided to the COG Board members at least twenty-four (24) hours in advance of the meeting at which such item is to be considered.

An executive committee shall be constituted from among the representatives of the members of the COG. The Executive Committee shall consist of four (4) members of the COG Board

electd by the COG Board. The Chairperson of COG shall be the Chairperson of the Executive Committee and shall serve on it as the representative of his/her jurisdiction.

The Executive Committee shall have such powers as are not inconsistent with this agreement and as delegated to it by the Bylaws.

The Bylaws of the SAN JOAQUIN COUNTY COG shall be those annexed to this Agreement marked Exhibit A and incorporated herein by this reference. Amendments to all or a portion of these Bylaws may be made in the manner prescribed in the Bylaws.

2. Section 7, FINANCING, is modified to read as follows:

7. FINANCING

(a) Fiscal Year: The SAN JOAQUIN COUNTY COG fiscal year shall be July 1 through June 30.

(b) Annual Financial Support: On or before April 1st, the SAN JOAQUIN COUNTY COG shall prepare a budget for the ensuing fiscal year to commence on July 1, and shall submit the same for ratification to the governing body of each member agency. Upon ratification of the proposed budget by a majority of the legislative bodies of the member governments and representing at least 55% of the population within the County, such budget shall serve as the approved budget for the fiscal year in carrying out the tasks within the approved work program for the year. Any use or amendments of the budget shall be the sole discretion of the SAN JOAQUIN COUNTY COG.

Any party to this Agreement, in the exercise of the reasonable discretion of its governing body, may provide support for the SAN JOAQUIN COUNTY COG, its staff and its professional consultants, including providing such quarters, janitorial services and maintenance, supplies, printing and duplication, postage, telephone services, transportation services, and such professional and technical assistance as may be necessary to enable SAN JOAQUIN COUNTY COG to perform its responsibilities. All such assistance shall be provided on an at-cost basis.

Under no circumstances, except as provided in (c) below, shall the SAN JOAQUIN COUNTY COG be empowered to levy taxes nor exercise the right of eminent domain. SAN JOAQUIN COUNTY COG shall apply for available State or federal support funds and shall make new and additional applications from time to time as appropriate. If deemed necessary, the COG Board may also establish and collect filing and processing fees in connection with matters to be considered by it.

(c) In its role as the San Joaquin County Local Transportation Authority, the SAN JOAQUIN COUNTY COG shall be empowered to levy and expend tax revenues authorized in San Joaquin County Local Transportation Authority Ordinance #91-01 and approved as Measure K on November 6, 1990 by the voters of San Joaquin County. This empowerment shall exist so long as San Joaquin County Local Transportation Authority

Ordinance #91-01 is in effect and shall terminate when all San Joaquin County Local Transportation Authority Ordinance #91-01 taxes have been levied and expended.

3. All other provisions of the parent Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Modification to be executed by their respective officers.

ATTEST: _____
City Clerk

CITY OF ESCALON

APPROVED AS TO FORM:

By _____

Title _____

Title _____

ATTEST: _____
City Clerk

CITY OF LATHROP

APPROVED AS TO FORM:

By _____

Title _____

Title _____

ATTEST: _____
City Clerk

CITY OF LODI

APPROVED AS TO FORM:

By _____

Title _____

Title _____

ATTEST: _____
City Clerk

CITY OF MANTECA

APPROVED AS TO FORM:

By _____

Title _____

Title _____

ATTEST: _____
City Clerk

CITY OF RIPCEN

APPROVED AS TO FORM:

By _____

Title _____

Title _____

ATTEST: _____
City Clerk

CITY OF STOCKTON

APPROVED AS TO FORM:

By _____

Title _____

Title _____

ATTEST: _____
City Clerk

CITY OF TRACY

APPROVED AS TO FORM:

By _____

Title _____

Title _____

(ATTEST: JORETTA J. HAYDE
Clerk of the Board of Super-
visors of the County of San
Joaquin, State of California

COUNTY OF SAN JOAQUIN, a poli-
tical subdivision of the State
of California

By _____ (SEAL) By _____
Deputy Clerk GEORGE L. BARBER, Chairman
Board of Supervisors

APPROVED AS TO FORM:
JOHN F. CHEADLE
County Counsel

By _____
MICHAEL MCGREW
Chief Deputy

C:COG1.1,1.2

CC-7 (N)

CC-90

CITY COUNCIL CC-300

DAVID M. HINCHMAN, Mayor
JAMES W. PINKERTON, Jr.
Mayor Pro Tempore
PHILLIP A. PENNINO
JACK A. SIEGLOCK
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6795

THOMAS A. PETERSON
City Manager
ALICE M. REIMCHE
City Clerk
BOB McNATT
City Attorney

April 8, 1991

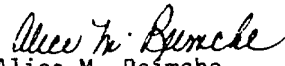
Mr. Peter VerDoorn
Executive Director
San Joaquin County
Council of Governments
1860 East Hazelton
Stockton, CA 95201

Dear Mr. VerDoorn:

Enclosed herewith is a certified copy of Resolution No. 91-66 entitled, "A Resolution of the Lodi City Council Approving the First Modification of Joint Powers Agreement Establishing the San Joaquin County Council of Governments (COG), Thereby Formalizing the City of Lathrop's Membership, and Giving COG Taxing Powers as the San Joaquin Local Transportation Authority", which was adopted by the Lodi City Council at its meeting of April 3, 1991.

Should you have any questions, please do not hesitate to call us.

Very truly yours,


Alice M. Reimche
City Clerk

AMR/jmp

Enclosure



San Joaquin County Council of Governments

Member Agencies: Cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, Tracy, County of San Joaquin

CC-7(N)

CC-90

CC-300

March 5, 1991

MAR 14 91

City Manager's Office

Mr. Thomas Peterson
City Manager
221 W. Pine Street
Lodi, CA 95240

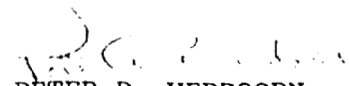
Dear Mr. Peterson:

Enclosed is the first modification of the Joint Powers Agreement establishing the San Joaquin County Council of Governments. In addition to the changes in the Financing Section which permits COG to carry out its responsibilities as the Local Transportation Authority, it also recognizes the City of Lathrop which took action to join the COG shortly after its incorporation.

Please schedule this item for formal Council approval as soon as possible. After notification of approval from each city and the county I will circulate nine copies for appropriate signatures. A fully executed copy will be sent to each entity for their records.

Should you have any questions, please feel free to contact me.

Very truly yours,


PETER D. VERDOORN
Executive Director

PDV/bm

Enclosure